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March 19, 2018

BY ECF

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jason Galanis, et al.*, S1 16 Cr. 371 (RA)

Dear Judge Abrams:

I represent Devon Archer, and join completely in the motion made by counsel for Bevan Cooney earlier today for a trial continuance. [ECF No. 343]. As set forth in Mr. Cooney's letter, the volume and timing of discovery make a continuance appropriate. While Mr. Archer is eager to proceed to trial, he has been asking for the very discovery that the Court has now ordered the government to produce – including the Gerova material and the Galanis wiretaps – since nearly the day this case was filed. It was the government's decision not to produce this discovery for nearly two years, and Mr. Archer should not be prejudiced by their finally being ordered to do so at this late date.

In addition, a continuance is appropriate in light of the prejudicial pre-trial publicity created by certain media reports that have been published in the last week, and which we expect will continue to appear in association with the release tomorrow of the book "Secret Empires: How the American Political Class Hides Corruption and Enriches Family and Friends." That book, by a Brietbart editor-at-large, apparently makes certain allegations about Rosemont Capital and other companies under the Rosemont banner, including Rosemont Realty, Rosemont Seneca Partners, and Rosemont Seneca Technology Partners. As the Court is aware, the key allegation against Mr. Archer concerns the entity Rosemont Seneca Bohai, which allegedly purchased a \$15 million tranche of WLCC bonds using funds that the government alleges were recycled by Jason Galanis from a previous issuance. RSB and other Rosemont entities will be mentioned frequently throughout the trial.

The numerous news stories generated by the book, and the release of the book itself, will unfairly taint the jury by associating the name "Rosemont Seneca" with "shadiness." *See, e.g.*, Peter Schweizer, "Inside the Shady Private Equity Firm Run by Kerry and Biden's Kids," *N.Y. Post* (Mar. 15, 2018), available at <http://nyp.st/2G4jDnB> ("Joining them in the Rosemont venture

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was Devon Archer, a longtime Heinz and Kerry friend.”).¹ According to published excerpts, besides accusing various individuals of improperly trading on political connections, the book includes inflammatory asides, such as gratuitously associating Rosemont Seneca with infamous mobster “Whitey” Bulger. *See id.* (“Rosemont Seneca joined forces in doing business in China with another politically connected consultancy called the Thornton Group. The Massachusetts-based firm is headed by James Bulger, the nephew of the notorious mob hitman James ‘Whitey’ Bulger. Whitey was the leader of the Winter Hill Gang, part of the South Boston mafia. Under indictment for 19 murders, he disappeared. He was later arrested, tried, and convicted.”).

Because this prejudicial pre-trial publicity seems uniquely timed to the release of the book, a continuance is especially appropriate. *See generally United States v. Romero*, 897 F.2d 47, 53 (2d Cir. 1990) (continuance on grounds of prejudicial pre-trial publicity should be granted “where it would significantly reduce the effects of publicity”). Accordingly, for this reason in addition to the reasons set forth in Mr. Cooney’s letter, a continuance in the interests of justice is needed to ensure that Mr. Archer received a fair trial.

Thank you for your consideration.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz

¹ For just a few examples of the numerous other stories covering the release of the book and its allegations, see Aruna Viswanatha, “Author Alleges China Used Business Deals to Influence Families of Mitch McConnell, Joe Biden,” *The Wall Street Journal* (Mar. 15, 2018), available at <http://on.wsj.com/2u4Txfw>; Ezra Dulis, “Secret Empires: Joe Biden’s Son’s Firm Struck Billion-Dollar Deal With Chinese Government 10 Days After Biden Trip to China,” *BrietBart.com* (Mar. 15, 2018), available at <http://bit.ly/2pfbmDV>; John Bowden, “Brietbart editor: Biden’s son inked deal with Chinese government days after vice president’s trip,” *The Hill* (Mar. 15, 2018), available at <http://bit.ly/2tY4Whi>; and Robert Kraychik, “Peter Schweizer’s ‘Secret Empires’ Exposes China’s ‘Calculated Effort to Buy Influence’ Through Washington Political Elites,” *Right Edition* (Mar. 19, 2018), available at <http://bit.ly/2FVQIPc>.
